

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

**SOUTH AFRICAN LANGUAGE
PRACTITIONERS'
COUNCIL BILL**

[B 14—2013]

(As agreed to by the Portfolio Committee on Arts and Culture (National Assembly))

[B 14A—2013]

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AMENDMENTS AGREED TO

SOUTH AFRICAN LANGUAGE PRACTITIONERS' COUNCIL BILL [B 14—2013]

CLAUSE 1

1. On page 4, in line 14, to omit “**council for higher ducation**” and to substitute “**Council for Higher Education**”.
2. On page 4, in line 15, to omit “in” and to substitute “on”.
3. On page 4, in line 17, to omit “national government” and to substitute “National Government”.
4. On page 4, in line 20, before “form” to insert “or signed”.
5. On page 4, in line 22, before “form” to insert “or signed”.
6. On page 4, in line 23, to omit the definition of “language editor”.
7. On page 4, in line 27, before “terminologist”, to insert “language planners,”.
8. On page 4, in line 27, to omit “language editors” and to substitute “text editors”.
9. On page 5, after line 6, to insert the following definition:

“ **‘text editor’** means a person who effects corrections of language and style in written texts, or recorded signed texts;”.
10. On page 5, in line 8, to omit the definition of “**translation**” and to substitute:

“ **‘translation’** means the act of transposing a written, spoken or signed text from a source language to a target language;”
11. On page 5, in line 10, to omit the definition “**translator**” and to substitute:

“ **‘translator’** means a person who transposes a written, spoken or signed text from a source language to a target language.”

NEW CLAUSE

1. That the following be a new clause in Chapter 2:

“Application of Act

2. The Bill applies to all language practitioners within the Republic of South Africa.”.

CLAUSE 2

1. On page 5, in line 18, to omit “national public entity” to substitute “National Public Entity”.

CLAUSE 3

1. On page 5, in line 23, to omit “deemed” and to substitute “who are”.
2. On page 5, in line 24, to omit “deemed” and to substitute “who are”.
3. On page 5, in line 26, to omit “ethics” and to substitute “conduct”.
4. On page 5, from line 31, to omit paragraph (*h*) and to substitute with the following paragraph:

“(h) regulate the provision of language service to members of the public;”.
5. On page 5, in line 34, to omit “disadvantaged” and to substitute “indigenous”.
6. On page 5, in line 35, to omit “industry” and to substitute “practice”.
7. On page 5, in line 37, to omit “industry” and to substitute “practice”.

CLAUSE 4

1. On page 5, in line 41, after “by” to insert “an Act of”.
2. On page 5, in line 42, to omit “from” and to substitute “by an Act of”.
3. On page 5, in line 50, to omit “council for higher education” and substitute “Council for Higher Education”.
4. On page 5, in line 52 to omit “and”.
5. On page 5, in line 55, after “;” to insert “and”
6. On page 5, after line 55, to insert a new subparagraph:

“(v) organised language professional bodies;
7. On page 6, in line 1, to omit subparagraph (*d*) and to substitute “promote liaison among language practitioners”.
8. On page 6, in line 7, after “in” to insert “the”.
9. On page 6, in line 27, to omit “ethics” to substitute “conduct”.
10. On page 6, in line 32, after “;” to omit “and”.
11. On page 6, in line 33, to omit “.” and to substitute “; and”.
12. On page 6, after line 33, to insert the following paragraph:

“(v) develop, implement, enforce and review the code of conduct of all registered and accredited language professionals.”
13. On page 6, in line 42, to omit “industry” and to substitute “practice”.
14. On page 6, in line 44, to omit “industry” and substitute “practice”.
15. On page 6, in line 45, to omit “industry” and to substitute “practice”.
16. On page 6, in line 47, to omit “any” and to substitute “an”.

17. On page 6, in line 48, to omit “any” and to substitute “a”.
18. On page 6, in line 48, to omit “industry” and to substitute “practice”.

CLAUSE 5

1. On page 6, in line 54, to omit the heading and substitute:

“Composition and dissolution of Board”

2. On page 7, in line 3, to omit “industry” and to substitute “practice”.
3. On page 7, in line 3, to omit the second “and” and to substitute “or”.
4. On page 7, in line 11, to omit “historic” and to substitute “historical”.
5. On page 7, from line 12, to omit paragraph (b) and to substitute with the following subsections:

“(b) that a balance of interests is maintained between persons representing—

- (i) Umalusi;
- (ii) the Council for Higher Education;
- (iii) the Pan South African Language Board;
- (iv) the South African Qualifications Authority; and
- (v) stakeholders in the language practice”.

6. On page 7, in line 22, after “must” to insert “, in consultation with the Board”.
7. On page 7, from line 25, to omit subsection (5).
8. On page 7, in line 31, to omit “(6)” and to substitute “(5)”.
9. On page 7, in line 31, after “*Gazette*” to insert “and at least two national newspapers”.
10. On page 7, in line 33, to omit “(7)” and to substitute “(6)”.
11. On page 7, in line 38, to omit “(8)” and to substitute “(7)”.
12. On page 7, in line 39 after “officials” to insert, “including language practitioners,”.
13. On page 7, from line 41, to omit subsections (9) and (10) and to substitute:

“(8) The Minister must, within 90 days after the appointment of members in terms of subsection (1), inform the Cabinet and the Portfolio Committee of the names of the appointed members, including the term of their appointment.

“(9) The Minister must cause the names of the persons appointed to the Board to be published in the *Gazette* and in at least two national newspapers, immediately after such persons have been notified, in writing, of their appointment to the Board.”.

14. On page 7, in line 48, to omit “(11)” and to substitute “(10)”.
15. On page 7, after line 49, to insert the following subsection:

“(11) The Minister may dissolve the Board if he or she considers the Board to be dysfunctional upon giving it a reasonable opportunity to make written representation on why it should not be dissolved.”.

CLAUSE 6

1. On page 7, in line 55, to omit “any” and to substitute “a”.

CLAUSE 7

1. On page 8, in line 13, to omit “any company and or any other” and to substitute “a company and of other”.
2. On page 8, in line 14, to omit “Any” and to substitute “A”.
3. On page 8, in line 18, to omit “any” and to substitute “a”.
4. On page 8, in line 20, to omit “any company, or any other” and to substitute “a company, or other”.

CLAUSE 8

1. On page 8, in line 29, to omit “member” and to substitute “members”.
2. On page 8, in line 31, to omit “must hold” and to substitute “holds”.

CLAUSE 9

1. On page 8, in line 39, to omit “may” and to substitute “must”.
2. On page 8, in line 56, to omit “permanent”.

CLAUSE 10

1. On page 9, in line 7, to omit “any” and to substitute “a”.
2. On page 9, in line 12, to omit “may” and to substitute “must”.
3. On page 9, in line 12, to omit “from their own number” and to substitute “among themselves”.
4. On page 9, in line 16, to omit “any” and to substitute “a”.

CLAUSE 11

1. On page 9, in line 32, to omit “any”.
2. On page 9, in line 36, to omit “Any” and to substitute “A”.
3. On page 9, in line 42, to omit “any” and to substitute “a”.

CLAUSE 12

1. On page 9, in line 53, to omit “national government” and to substitute “National Government”.
2. On page 10, in line 9, to omit “of Finance”.

CLAUSE 13

1. On page 10, in line 15, to omit “any of”.

2. On page 10, in line 17, to omit “any” and to substitute “a”.
3. On page 10, in line 31, to omit “Board” and to substitute “Council”.

CLAUSE 14

1. On page 10, in line 33, to omit the second “,”.
2. On page 10, in line 35, to omit “any of”.
3. On page 10, in line 36, to omit “any” and to substitute “a”.

CLAUSE 16

1. On page 11, in line 19, to omit “ethics” to substitute “conduct”.
2. On page 11, in line 28, to omit “any”.
3. On page 11, in line 29, to omit “for any reason unable to perform any of” and to substitute “unable to perform”.
4. On page 11, after line 32, to insert the following subsection:

“(3) If there is no Board, the Minister must appoint the Chief Executive Officer of the Council in an acting capacity for a specified period: Provided that no person may act for more than 365 days.”

CLAUSE 19

1. On page 12, in line 5, after “*Gazette*” to insert “and in at least two national newspapers”.
2. On page 12, in line 5, to omit “after” and to substitute “in”.
3. On page 12, from line 9, to omit subsection (3) and to substitute with the following subsection:

“(3) The Minister may, by notice in the *Gazette* and in at least two national newspapers and in consultation with the Board, amend, substitute or withdraw such a code of conduct.”

CLAUSE 20

1. On page 12, in line 18, to omit “Any” and to substitute “A”.
2. On page 12, in line 19, to omit “Board” and substitute “Council”.
3. On page 12, from line 22, to omit paragraph (a) and to substitute the following paragraph:

“(a) evaluate every application for accreditation in accordance with its procedures;”.
4. On page 12, in line 24, to omit “any”.
5. On page 12, in line 25, to omit “Board” and to substitute “Council”.

CLAUSE 22

1. On page 13, in line 2, to omit “registration and examination” and to substitute “assessment”.

CLAUSE 23

1. On page 13, in line 33, to omit “three months” and to substitute “90 days”
2. On page 13, in line 39, to omit “any” and to substitute “a”.
3. On page 13, in line 47, to omit “any”.

CLAUSE 24

1. On page 13, in line 53, to omit “five months” and to substitute “150 days”.
2. On page 13, in line 54, to omit “five months” and to substitute “150 days”.

CLAUSE 25

1. On page 14, in line 15, to omit “any”.
2. On page 14, in line 24, to omit “30” and to substitute “90”.
3. On page 14, in line 29, to omit “Any” and to substitute “An”.

CLAUSE 26

1. On page 14, in line 36, to omit “may” and to substitute “must”.
2. On page 14, in line 37, to omit “any” and to substitute “a”.
3. On page 14, in line 42, to omit “three months” and to substitute “90 days”.
4. On page 14, in line 48, to omit “three months” and to substitute “90 days”.
5. On page 14, in line 50, to omit “any” and to substitute “a”.
7. On page 15, in line 23, to omit “any” and to substitute “an”.

CLAUSE 28

1. On page 15, in line 33, to omit “one month” and to substitute “90 days”.
2. On page 15, in line 34, to omit “approaching any competent court” and to substitute “instituting legal proceedings”.
3. On page 15, from line 36, to omit subsection (2) and to substitute with the following subsection:

“(2) A notice of the appeal must be given within 90 days from the date on which such decision was given or when such decision came to his or her knowledge.”.

CLAUSE 30

1. On page 15, in line 45, to omit “any”.

CLAUSE 31

1. On page 16, in line 27, to omit “any” and to substitute “a”.

CLAUSE 32

1. On page 16, in line 31, to omit “Board” and to substitute “Council”.
2. On page 16, in line 32, to omit “any” and to substitute “a”.
3. On page 16, from line 34, to omit subsection (2) and to substitute with the following subsection:

“(2) A holder of a qualification contemplated in subsection (1), obtained separately or conjointly with another qualification, or a person with relevant experience is eligible for registration in terms of this Act if he or she has before or in connection with or after the acquisition of the qualification in question, or other relevant experience, complied with the prescribed conditions or requirements.”

CLAUSE 33

1. On page 16, in line 40, after “*Gazette*” to insert “and in at least two national newspapers”.
2. On page 16, in line 47, to omit “recover such fee by action in a competent court” and to substitute “institute legal proceedings”.
3. On page 16, in line 51, to omit “any” and to substitute “a”.
4. On page 16, in line 52, to omit “any” and to substitute “an”.

CLAUSE 34

1. On page 17, in line 5, after the second “,” to insert “and other relevant legislation”.
2. On page 17, in line 6, to omit “any information submitted to the Council in connection with any” and to substitute “information submitted to the Council in connection with an”.
3. On page 17, in line 11, to omit “any”.
4. On page 17, in line 13, to omit “any” and to substitute “a”.
5. On page 17, in line 15, to omit “any”.
6. On page 17, in line 16, to omit “any” and to substitute “a”.
7. On page 17, in line 19, to omit “Any” and to substitute “A”.

CLAUSE 36

1. On page 17, in line 27, to omit “Any” and to substitute “A”.

CLAUSE 37

1. On page 17, in line 38, to omit “any” and to substitute “a”.
2. On page 17, in line 48, to omit “at any time”.

CLAUSE 38

1. On page 18, in line 4, to omit “any bribe or receives any” and to substitute “a bribe or receives”.
2. On page 18, after line 12, to insert the following subsection:

“(4) A person is guilty of an offence if he or she does professional work of a language practitioner without being in possession of a valid accreditation or registered certificate for the period in question.”.

CLAUSE 39

1. On page 18, in line 14, to omit “Any” and to substitute “A”.

CLAUSE 40

1. On page 18, in line 18, after “Board” to insert “”, other relevant institution”.

CLAUSE 41

1. On page 18, in line 27, to omit the second “any” and to substitute “a”.
2. On page 18, in line 33, to omit “any” and to substitute “a”.

ARRANGEMENT OF SECTION

1. On page 2, after line 9, after “COUNCIL” to insert “2. Application of Act”.
2. On page 3, in line 14, to omit “certificates” and to substitute “certificate”.

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